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August 27, 2009

**VIA FIRST CLASS MAIL**

West Publishing Company  
610 Opperman Drive  
PO Box 64526  
St. Paul, MN 55164-0526  
Attn: Kathy Blesener, Senior Editor

Re: Ninth Circuit en banc opinion in *United States v. Comprehensive Drug Testing, Inc.*, filed August 26, 2009

Dear Ms. Blesener:

Please correct the counsel listing in the above-referenced decision, beginning at page 11866 of the slip opinion, to read as follows:

Argued by Joseph Douglas Wilson, Assistant United States Attorney, San Francisco, California, who was joined on the briefs by Andrew Duncan, Las Vegas, Nevada; Erika R. Frick, San Francisco, California; Jeffrey David Nedrow, San Jose, California, and Barbara Valliere, San Francisco, California, Assistant United States Attorneys, for the United States. [No change from existing first paragraph.]

Argued by Elliot R. Peters, Kekker & Van Nest LLP, San Francisco, California, who was joined on the briefs by David J. Silbert, Kekker & Van Nest LLP, San Francisco, California, and Ethan Atticus Balogh, Coleman & Balogh LLP, San Francisco, California, for the Major League Baseball Players Association.

David P. Bancroft, Sideman & Bancroft LLP, San Francisco, California, and Jeffrey C. Hallam, Sideman & Bancroft LLP, San Francisco, California, for Comprehensive Drug Testing, Inc.

Peter Buscemi, Morgan, Lewis & Bockius LLP, Washington, DC, for amicus curiae Chamber of Commerce of the United States.

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[No change from existing last paragraph.]

Also, for the sake of accuracy, we respectfully suggest changing one word in the body of the opinion, which won't affect the opinion's substance. At page 11882, the slip opinion refers to the Major League Baseball Players Association's "clients." "Members" would be a more accurate word.

If you have any questions, please don't hesitate to contact me at (415) 676-2261.

Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read "D. Silbert", with a long horizontal flourish extending to the right.

DAVID J. SILBERT

DJS:aap

cc: Opinions Clerk, U. S. Court of Appeals  
AUSA Barbara Valliere  
AUSA Jeffrey Nedrow  
David Bancroft, Esq.  
Jeffrey Hallam, Esq.  
Ethan Balogh, Esq.